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Attorneys for Defendants
Wells Fargo Bank, N.A. and Wells Fargo & Company

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOSHUA P. ENDRES, as an individual, and on
behalf of all others similarly situated,

Plaintiff,

v.

WELLS FARGO & COMPANY, WELLS
FARGO BANK, N.A., and DOES 1 through 125,

Defendants.

Case No.: C-06-7019 PJH

ORDER DENYING REQUEST
~~STIPULATION AND [PROPOSED] ORDER~~
CONTINUING THE INITIAL CASE
MANAGEMENT CONFERENCE

Date: April 4, 2007

Time: 9:00 a.m.

Courtroom: 3, 17th Floor

Hon. Phyllis J. Hamilton

IT IS HEREBY STIPULATED by and between the parties to this action as follows:

I. RECITALS

1. Currently, the Initial Case Management Conference in the above-captioned litigation is set for March 22, 2007, at 2:30 p.m. The last day for the parties to exchange initial disclosures and file the Joint Case Management Statement and Rule 26(f) Report is March 15, 2007. (The Initial Case

1 Management Conference had originally been set for February 15, 2007. It was continued to March 22,
2 2007, after Plaintiff filed his First Amended Complaint.)

3 2. On February 28, 2007, Defendants filed their Motion for Summary Judgment on Plaintiff
4 Joshua P. Endres's First Amended Complaint (hereinafter "Motion for Summary Judgment"). The
5 Motion for Summary Judgment is more akin to a motion for judgment on the pleadings than to a typical
6 summary judgment motion in that it challenges the sufficiency of the allegations instead of the lack of
7 underlying substantive facts in dispute. The parties believe that the resolution of the Motion for
8 Summary Judgment at the outset of this litigation is in the best interests of judicial economy, as it will
9 set the foundation for how this case will proceed and it will substantially affect both the scheduling
10 order and the type and amount of discovery that is needed in this case.

11 3. The parties are currently negotiating a preliminary discovery plan that will allow Plaintiff
12 the opportunity to obtain the evidence he believes is needed to oppose the Motion for Summary
13 Judgment. The parties believe that such negotiations can be successfully resolved and a preliminary
14 discovery plan completed within the next two weeks.

15 4. Because of this, the parties believe that it is in the interest of judicial economy to
16 continue the Initial Case Management Conference (and deadline for exchanging initial disclosures) for
17 two weeks to allow the parties time to complete their negotiations on any preliminary discovery that
18 Plaintiff may need to prepare its opposition to the Motion for Summary Judgment. After such an
19 agreement is reached, the parties will be in a better position to provide this Court with a Joint Case
20 Management Statement and Rule 26(f) Report outlining a proposed discovery plan and case
21 management schedule.

22 5. The parties now jointly request that the Initial Case Management Conference (and all
23 associated deadlines) be continued two weeks and rescheduled for April 5, 2007, at 2:30 p.m. This
24 would permit the parties to complete their negotiations on a stipulated plan for the preliminary discovery
25 that Plaintiff believes he needs to respond fully to Defendants' Motion for Summary Judgment.

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1 **II. STIPULATION**

2 Based on the foregoing RECITALS, and the present circumstances as they exist, the parties,
3 through their respective legal counsel of record, hereby make the following stipulation in requesting an
4 order by the Court:

- 5 • That the Initial Case Management Conference be continued to April 5, 2007, at 2:30 p.m.
6 • That the last day to complete initial disclosures, file a Case Management Statement, and file
7 a Rule 26(f) Report be continued to March 29, 2007.

8 IT IS SO STIPULATED

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10 DATED: March 15, 2007

WELEBIR & McCUNE

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12
13 By: 

Richard D. McCune
Attorneys for Plaintiffs

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17 DATED: March 15, 2007

COVINGTON & BURLING LLP

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19
20 By: 

David M. Jolley
Attorneys for Defendants

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23 PURSUANT TO STIPULATION, IT IS SO ORDERED

24
25 3/16/07

26 DATED: _____
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